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Notice of Allowability

Application No.

10/804,658

Examiner

PHUC H. TRAN

Applicant(s)

CHEN ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/19/04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
 Paper No./Mail Date 6/23/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
 Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1-20 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a file distribution system for transfer of data objects comprising: a network of digital data file servers in communication with at least one client system for the transfer of the data objects to the client system; a scheduling apparatus for scheduling said transfer of the data objects from said digital data file servers to the client system, comprising: a file segmenting device to variably and dynamically segment data objects within said digital data file servers dependent upon an available transfer bandwidth, a predicted request loading, and an actual request loading; a client streaming device within said client to begin transfer of a first segment of said data object to said client system such that the client system begins processing of said data object prior to reception of a totality of said first segment; an ordered sequential transfer device to order and sequentially transfer segments of the data object to the client system and to assign a bandwidth to said transfer to prevent simultaneous transfer of all segments of the data object so as to allow transfer of the data objects to multiple systems; a preemption device to cease transfer of a first data object and allow transfer of a second data object that is more urgent than the first data object, whereby said preemption device allows persistent data object transfer of the first digital data object without resending said first digital data object; and a hierarchical caching controller to copy segments of any of the data objects from a central distribution server to any of the network of data file servers, whereby the

caching controller selects scheduling of transfers from the central distribution server to any of the network of data file servers or from on data file server within the network of data file servers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logan et al. (Pub. No. 2003/0093790 A1) discloses audio and video program recording, editing and playback systems using metadata.

Kermode et al. (U.S. Patent No. 6018359) discloses system and method for multicast video-on-demand delivery system.

Duan et al. (U.S. Patent No. 7143433 B1) discloses video distribution system using dynamic segmenting of video data files.

Odryna et al. (U.S. Patent No. 6333750 B1) discloses multi-sourced video distribution hub.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuc Tran
Assistant Examiner
Art Unit 2616

P.t
9/12/07


CHI PHAM
SUPERVISORY PATENT EXAMINER

9/14/07